

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SIEMENS BUILDING	§	
TECHNOLOGIES, INC.,	§	No. 689, 2010
	§	
Defendant Below,	§	Court Below—Superior Court
Appellant,	§	of the State of Delaware in and
	§	for New Castle County
v.	§	
	§	
MASS. ELECTRIC	§	
CONSTRUCTION CO.,	§	
	§	
Plaintiff Below,	§	C.A. No. 09C-01-138
Appellee.	§	

Submitted: November 2, 2010

Decided: November 5, 2010

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices.

ORDER

This 5th day of November 2010, it appears to the Court that:

(1) Defendant/appellant, Siemens Building Technologies, Inc. (“Siemens”), has petitioned this Court, pursuant to Supreme Court Rule 42, to accept an interlocutory appeal from the Superior Court’s September 28, 2010 memorandum opinion as corrected on October 28, 2010. The Superior Court’s memorandum opinion, in pertinent part, granted the plaintiff/appellee’s motion for summary judgment on the issue of Siemens’ duty to defend and denied Siemens’ motion for summary judgment on the

same issue. By order dated October 28, 2010, the Superior Court denied Siemens' application for certification of an interlocutory appeal.

(2) Applications for interlocutory review are addressed to the sound discretion of this Court and are granted only in exceptional circumstances. We have examined the Superior Court's September 28, 2010 memorandum opinion (as corrected on October 28, 2010) according to the criteria set forth in Supreme Court Rule 42 and have concluded that exceptional circumstances as would merit review of the memorandum opinion do not exist in this case.

NOW, THEREFORE, IT IS HEREBY ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice